

Misbranding was alleged in substance for the reason that the statement appearing on the labels of the sacks containing the article, to wit, "98 Lbs.," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 18, 24, and 26, and September 19, 1922, respectively, H. H. Cook, San Francisco, Calif., and the Kalispell Flour Mill Co., Kalispell, Mont., having entered their appearance as claimants for the respective portions of the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the respective claimants upon payment of the costs of the proceedings and the execution of good and sufficient bonds, in conformity with section 10 of the act, conditioned in part that the said product be made to conform with the provisions of the said act, under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10978. Adulteration and misbranding of flour. U. S. v. 620 Sacks, et al, of Flour. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 16458, 16459, 16460. I. S. Nos. 14420-t, 14421-t, 14423-t. S. Nos. W-1115, W-1117, W-1118.)

On June 23, 1922, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 1,380 sacks of flour, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in part by the Kalispell Flour Mills, Kalispell, Mont., on or about June 16, 1922, and in part by the Jennison Mills Co., Williston, N. D., in two consignments, on or about June 9 and 16, 1922, respectively, and transported from the States of Montana and North Dakota, respectively, into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, variously: "Challenger 98 Lbs.;" "The Rugby Milling Company World's Best * * * Rugby, North Dakota 98 Lbs. Net When Packed * * *;" "Fancy Clear Flour Bar Nun * * * The Jennison Mills Company, Williston, North Dakota, 98 Lbs. Net When Packed Bar Nun."

Adulteration of the Challenger brand flour was alleged in one of the libels for the reason that bleached flour had been substituted wholly or in part for the said article.

Misbranding was alleged in substance with respect to all of the product for the reason that the respective statements appearing on the sacks containing the article, to wit, "98 Lbs." or "98 Lbs. Net When Packed," as the case might be, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 29 and July 14, 1922, respectively, H. H. Cook, San Francisco, Calif., and the Jennison Mills Co., Williston, N. D., having entered their appearances as claimants for the respective portions of the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the respective claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$5,227.50, in conformity with section 10 of the act, conditioned in part that the said product be made to conform with the provisions of the said act, under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10979. Misbranding of flour. U. S. v. 140 Sacks of Flour. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16542. I. S. No. 14043-t. S. No. W-1130.)

On June 30, 1922, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 140 sacks of flour, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Richardton Milling Co., Richardton, N. D., and transported from the State of North Dakota into the State of Washington, reaching Seattle on May 6, 1922, and charging misbranding in violation of the Food and Drugs Act, as amended.

The article was labeled in part: (Sacks) "Richardton Milling Company Incorporated Never Fails Fancy Flour * * * Bleached 98 Lbs."

Misbranding of the article was alleged in substance in the libel for the reason that the statement appearing on the labels of the sacks containing the article, "98 Lbs.," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 14, 1922, the J. A. Campbell Co., Seattle, Wash., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10980. Adulteration of flour. U. S. v. 610 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16278. I. S. No. 10865-t. S. No. W-1079.)

On or about May 5, 1922, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 610 sacks of flour, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Waco [Wasco] Warehouse & Milling Co., from The Dalles, Oreg., April 20, 1922, and transported from the State of Oregon into the State of California, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Sacks) "Liberty Patent Flour C. A. Hutton Flour Co., Inc. Distributors San Francisco, Cal. Bleached 98 Lbs. When Packed."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

On May 26, 1922, Harold P. Hutton, claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the cost of the proceedings and the execution of a bond in the sum of \$1,800, in conformity with section 10 of the act, conditioned in part that it be made to conform with the provisions of the said act, under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10981. Adulteration and misbranding of flour. U. S. v. 510 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16279. I. S. No. 10862-t. S. No. W-1078.)

On May 4, 1922, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on May 11, 1922, an amended libel, praying the seizure and condemnation of 510 sacks of flour, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Houser & Son, from Pomeroy, Wash., April 18, 1922, and transported from the State of Washington into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Sacks) "The Master Baker Manufactured By Houser & Son Pomeroy, Wash. * * * Bakers Flour."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement appearing on the labels of the sacks containing the article, "Bakers Flour," was false and misleading and deceived and misled the purchaser.

On June 2, 1922, W. J. Houser and Bertha Houser, copartners, trading as Houser & Son, San Francisco, Calif., claimants, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimants upon